

BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Digital Audio Broadcasting Systems	)	MM Docket No. 99-325
And Their Impact on the Terrestrial	)	
Radio Broadcast Service	)	

To: The Commission

**COMMENT**

Christian Broadcasting System, Ltd. ("CBSL") herein comments on one aspect of the *Second Report and Order, First Order on Reconsideration and Second Further Notice of Proposed Rulemaking ("SFNPRM")*, FCC 07-33, released in the above-referenced proceeding on May 31, 2007.<sup>1</sup> CBSL urges the Commission not to modify its rules regarding unattended operation of broadcast stations.

In the *SFNPRM*, the Commission asks whether it should review the rules that allow stations to broadcast unattended.<sup>2</sup> The answer is no.

When it adopted the current rules regarding unattended operation in 1995, the Commission recognized those then-new rules would provide important flexibility without adversely affecting the public interest.<sup>3</sup> In the *SFNPRM*, the Commission acknowledges

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<sup>1</sup> A summary of the *SFNPRM* was published in the Federal Register on August 15, 2007, 47 Fed. Reg. 45670. The deadline for comments is October 15, 2007; for reply comments, November 13, 2007.

<sup>2</sup> *SFNPRM* at ¶119.

<sup>3</sup> *Amendment of Parts 73 and 74 of the Commission's Rules to Permit Unattended Operations of Broadcast Stations and to Update Broadcast Station Transmitter Control*

that this technical flexibility has allowed licensees to operate stations for extended periods without the need for station personnel to be present at the transmission facilities.<sup>4</sup>

By permitting stations to operate without station personnel being present, the Commission has facilitated a great expansion of service to the public. Stations that previously signed off relatively early in the evening now operate for longer hours, many for 24 hours a day. If the Commission were to again require a duty operator to be present every minute a station is on the air, many licensees would have no choice but to operate many fewer hours than they do now, particularly in small markets where economic margins are the tightest.

The apparent motivation for considering reinstitution of the duty operator requirement is to facilitate the dissemination of emergency information. In fact, adoption of such a requirement would have the opposite effect. Many stations, particularly in smaller markets where there are fewer local media outlets, will simply go off the air earlier and sign on later. The result will be that, during those off-air hours, *no* emergency information will be disseminated. Under the current system, broadcasters are able to set their EAS equipment to operate automatically when a state or local alert is initiated. Thus listeners are much more likely to receive important emergency information in a timely fashion if stations are allowed to operate unattended.

The *SFNPRM* references two instances in which the EAS system was not activated because the initial input of the alert, which currently must be done manually,

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*and Monitoring Requirements*, Report and Order, 10 FCC Rcd 11479 (1995) (“*Unattended Operations R&O*”).

<sup>4</sup> *SFNPRM* at ¶ 118.

did not occur.<sup>5</sup> The failure of the EAS system to be activated in those two instances should not lead to all stations being required to have duty operators in place during all on-air hours. The proper solution to averting potential future failures is to automate, with the cooperation of the stations involved, the initial input of the alert and activation of the originating EAS ENDEC so that, during the hours the originating station is unattended, local authorities may perform those functions themselves.

Changing the rules permitting unattended operation will hurt small market and independent stations, including many owned by minorities and women, that simply cannot afford staffing 24 hours a day. The current rules allow a diverse group of owners to be able to afford to run stations because unattended operation keeps costs down. If the rules are changed, the owners of stations operating on tight budgets will be forced to either reduce their hours of operation or sell out to larger companies with multiple stations in the market who could spread staffing costs over several stations. In either case, the public will be disserved because fewer services will be available for a portion of the day or the number of independent voices available on the airwaves will be further reduced.

In sum, it would be contrary to the public interest to abolish unattended operation of broadcast stations. The current system provides flexibility that results in greater service to the public and a greater likelihood that emergency information will reach affected populations in timely manner. Currently, unattended stations can distribute EAS alerts automatically. If stations were required to have staff present during all hours of

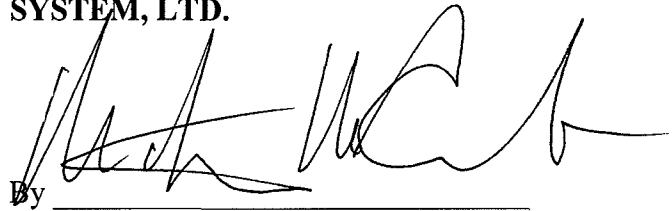
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<sup>5</sup> *Id.* at ¶ 120 & n.280. One instance involved a train derailment near Minot, North Dakota, on January 18, 2002. The other involved a train collision on an unspecified date near San Antonio, Texas. The *SFNPRM* does not specifically indicate why, in those instances, the initial alert could not be initiated.

operation, however, many would reduce those hours of operation. When a station is off the air, there is no possibility that any EAS alert or other public safety information will be disseminated from that outlet, which in small communities may be one of very few available to the public.

Respectfully submitted,

**CHRISTIAN BROADCASTING  
SYSTEM, LTD.**

A handwritten signature in black ink, appearing to read 'Matthew H. McCormick', is written over a horizontal line.

Matthew H. McCormick  
Its Counsel

Irwin, Campbell & Tannenwald, P.C.  
1730 Rhode Island Ave., NW  
Suite 200  
Washington, D.C. 20036

(202) 728-0400  
mmccormick@ictpc.com

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